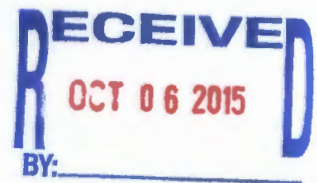


Scott Parker  
Director of Investigations  
Republican National Committee  
310 First St. SE  
Washington, D.C. 20003  
202-863-5122  
Sparker@gop.com



September 29, 2015

**RE: FREEDOM OF INFORMATION ACT REQUEST**

**VIA CERTIFIED MAIL**

FOIA Officer  
Records, FOIA, and Privacy Branch, Office of Environmental Information  
Environmental Protection Agency (EPA)  
1200 Pennsylvania Avenue, NW, (2822T)  
Washington, D.C. 20460

Dear FOIA Officer:

This is a request under the Freedom of Information Act.

For the purpose of this request, the following domain names will hereinafter be referred to collectively as "Senior State Department Officials."

- Reta J. Lewis, United States Special Representative for Global Intergovernmental Affairs;
- Hillary Clinton, Secretary of State;
- Lorraine Hariton, Special Representative for Commercial and Business Affairs;
- Carlos Pascual, Special Envoy and Coordinator for International Energy Affairs;
- Cheryl Mills, Counselor and Chief of Staff, Office of the Secretary;
- Huma Abedin, Deputy Chief of Staff, Office of the Secretary;
- Jose W. Fernandez, Assistant Secretary, Economic and Business Affairs;
- Todd D. Stern, Special Envoy for Climate Change;
- David Goldwyn, International Energy Coordinator, Bureau of Economic, Energy, and Business Affairs;
- and Elizabeth Bagley, Special Advisor for Secretary's Initiatives.

For the purpose of this request, the following job positions will hereinafter be referred to collectively as "Senior Environmental Protection Agency (EPA) Officials."

- EPA Administrator;
- Associate Administrator, Office of Congressional and Intergovernmental Relations;
- Assistant Administrator Office of Enforcement and Compliance Assurance;
- and Assistant Administrator, Office of International and Tribal Affairs.



The records I request can be described as follows:

Any and all records, correspondence, e-mails, attachments, and memos, in any format, that were sent to, or received from, any Senior State Department Officials and any Senior Environmental Protection Agency (EPA) officials. The time frame of this request is from January 21, 2009 to February 1, 2013.

The scope of this FOIA request is inclusive of any common variations of the names provided above. Further, when applicable, the scope of this request includes any means of communication used to conduct official business including the use of personal phones, BBMs, and personal email. My request applies to all individuals that held any of the aforementioned positions designated as Senior Environmental Protection Agency Officials during the timeframe of my request, limited to the time period each individual held said position.

In order to help you determine my status to assess fees, you should know that I am requesting on behalf of the Republican National Committee (RNC) and this information is not primarily in the commercial interest of the RNC.

I am willing to pay fees for this request up to a maximum of \$25. If you estimate that the fees will exceed this limit, please inform me first. However, I would also like to request a waiver of all fees in that the disclosure of the requested information is primarily in the public interest and will contribute significantly to the public's understanding of the operations of your agency.<sup>1</sup>

The Department Of Justice recommends that each federal agency employ six factors to determine whether a fee waiver is appropriate in a FOIA request.<sup>2</sup> The first such factor is "whether the subject of the requested records concerns 'the operations or activities of the government.'"<sup>3</sup> The records requested here go directly to the actions of agency personnel as they operated in their official capacities.

The second factor is "whether the disclosure is 'likely to contribute' to an understanding of government operations or activities."<sup>4</sup> Here a primary focus is on the present availability of the information and whether it has previously been released to the public.<sup>5</sup> To the best of the requestor's knowledge, the information contained in the requested records has never been publicly disclosed nor appeared in news reports. As such, its undisclosed nature makes it very likely to contribute to the understanding of the government operations that it describes.

The third factor is "whether the disclosure of the requested information will contribute to 'public understanding.'"<sup>6</sup> This turns on "whether the requester will disseminate the disclosed records to a reasonably broad audience of persons interested in the subject."<sup>7</sup> The RNC is in a position to make the information widely available. It has an extensive history of publications on its website, GOP.com, and its members and affiliates regularly interact with and appear on national media outlets. Thus, the RNC not only has the desire to furnish these records to a broad audience, but has a substantial ability to do so.<sup>8</sup>

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<sup>1</sup> See 5 U.S.C. § 552(1)(4)(A)(iii).

<sup>2</sup> See FOIA Update, Vol. VIII, No. 1 ("New Fee Waiver Policy Guidance").

<sup>3</sup> Id.

<sup>4</sup> FOIA Update, Vol. VIII, No. 1 ("New Fee Waiver Policy Guidance").

<sup>5</sup> See, e.g., Monaghan v. FBI, 506 F. App'x 596, 598 (9th Cir. Jan 28, 2013) (prior availability of records linked to whether they are likely to contribute to public understanding); Judicial Watch, Inc. v. DOJ, 365 F.3d 1108, 1127 (D.C. Cir. 2004) (emphasizing that requester should address whether information is already in the public domain).

<sup>6</sup> FOIA Update, Vol. VIII, No. 1 ("New Fee Waiver Policy Guidance").

<sup>7</sup> Carney v. DOJ, 19 F.3d 807, 814 (2d Cir. 1994).

<sup>8</sup> See, generally, Citizens Progressive Alliance v. U.S. Bureau of Indian Affairs, 241 F. Supp. 2d 1342, 1366 (D.N.M. 2002) (stating that when applying the fee waiver standard, it is relevant to consider the ability of the requester to disseminate information).



Fourth, an agency is directed to consider "whether disclosure is likely to contribute 'significantly' to public understanding of government operations or activities."<sup>9</sup> In determining the significance of the contribution, an important element is media attention and public interest in the material. Widespread media attention of an issue greatly increases the likelihood that additional information would significantly contribute to the public's understanding of the government operation or activity in question.<sup>10</sup> As previously noted, the RNC is well positioned to bring media attention to an issue and routinely engages with issues of public import that garner substantial press coverage.

The fee waiver guidance next looks at the question of "whether the requester has a commercial interest that would be furthered by the requested disclosure."<sup>11</sup> The RNC is not a corporation or business that exists to pursue profits or actively participate in the commercial sphere. There is no readily identifiable commercial interest of the RNC to which this information pertains.

Should your agency determine, however, that some commercial interest exists, it would then have to turn to the final factor: "whether the magnitude of the identified commercial interest of the requester is sufficiently large, in comparison with the public interest in disclosure, that disclosure is 'primarily in the commercial interest of the requester.'"<sup>12</sup> Given the RNC's significant ability to contribute to the public discourse on matters of national significance, any potential commercial interest would be dwarfed in comparison to the public interest in the disclosure of such information.

Where exemptions to the Freedom of Information Act are discretionary, I ask you not withhold such records, even if they might qualify for withholding under the law. If you withhold any records as exempt, please redact the exempted portions and release the remainder of the records. In any case where you withhold any records, please explain in writing any such denial. Please release all reasonably segregable material.

Please direct any questions or correspondence to:

Lars Trautman, Esq.  
Republican National Committee  
310 First St. SE  
Washington, D.C. 20003  
202-863-8518  
Ltrautman@gop.com

Thank you for your consideration of this request.

Sincerely,  
  
Scott Parker  
Director of Investigations  
Republican National Committee  
310 First St. SE  
Washington, D.C. 20003  
202-863-5122  
Sparker@gop.com

<sup>9</sup> FOIA Update, Vol. VIII, No. 1 ("New Fee Waiver Policy Guidance").

<sup>10</sup> *Pederson v. RTC*, 847 F. Supp. 851, 855 (D. Colo. 1994)(finding that widespread media attention can demonstrate information's significant contribution to public understanding).

<sup>11</sup> FOIA Update, Vol. VIII, No. 1 ("New Fee Waiver Policy Guidance").

<sup>12</sup> *Id.*



Republican  
National  
Committee



PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT  
OF THE RETURN ADDRESS, FOLD AT DOTTED LINE



7007 0710 0000 8091 5296

FOIA Officer  
Records, FOIA, and Privacy Branch, Office of  
Environmental Information  
Environmental Protection Agency (EPA)  
1200 Pennsylvania Avenue, NW, (2822T)  
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